

Plaintiff GrainPro, Inc. ("GrainPro"), for its Complaint for patent infringement against Defendants Aashirvad International and Aashirvad LLC (collectively, the "Defendants"), alleges as follows:

THE PARTIES

1. Plaintiff GrainPro is a corporation organized and existing under the laws of the Commonwealth of Massachusetts with its principal place of business located in Concord, Massachusetts.

2. Upon information and belief, defendant Aashirvad International is a corporation organized and existing under the laws of the Country of India with its principal place of business located in New Delhi, India. Upon information and belief, defendant Aashirvad International maintains an office in Edison, New Jersey.

3. Upon information and belief, defendant Aashirvad LLC is a limited liability company organized and existing under the laws of the State of New Jersey with its principal place of business located in Roselle Park, New Jersey.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has jurisdiction over the subject matter of the claims asserted in this action under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400.

FACTUAL BACKGROUND

6. GrainPro is in the business of manufacturing and selling hermetic containers for the safe storage of grains and seeds.

7. GrainPro is the owner by assignment of United States Patent No. 9,032,697 (the '697 patent), which was duly and legally issued by the United States Patent and Trademark Office on May 19, 2015, for an invention entitled "Flexible Ultra-Low Permeability Transport System and Method" (a true and correct copy of which is attached as Exhibit A).

8. The '697 patent grants GrainPro the exclusive right to make, use, offer for sale, and/or sell the multilayered hermetic storage container incorporating the inventions disclosed therein.

9. Defendants sell hermetic storage containers. The containers that Defendants sell include multilayered hermetic storage containers, which are intended to preserve the freshness of food products.

10. Defendants regularly transact business in the State of New Jersey and in this judicial district by, among other things, the offer for sale and sale of hermetic storage containers that meet the limitations set forth in the claims of the '697 patent.

11. Defendants' infringement of the '697 patent has been knowingly and willfully committed.

COUNT ONE - INFRINGEMENT OF THE '697 PATENT

12. GrainPro hereby realleges the allegations contained in paragraphs 1 through 11 of the Complaint as though fully set forth herein.

13. This action arises under the United States Patent Laws, title 35, United States Code.

14. The '697 patent was validly issued by the Patent Office and is valid and enforceable.

15. Defendants manufacture, import, use, sell, and/or offer for sale products or services throughout the United States that infringe one or more claims, including at least claim 1, of the '697 patent literally or under the doctrine of equivalents. By their acts, Defendants are also inducing others to infringe the '697 patent and contributing to the infringement by others of the '697 patent.

16. GrainPro has been irreparably harmed and monetarily damaged by Defendants' infringement of the '697 patent. If Defendants' infringement is not permanently enjoined, GrainPro will continue to be irreparably harmed and monetarily damaged.

17. Defendants have been and are aware of the '697 patent and Defendants' infringement has been and continues to be in total disregard of GrainPro's exclusive rights under the '697 patent.

18. Defendants' infringement is deliberate and willful. This is an exceptional case warranting an award of treble damages to GrainPro under 35 U.S.C. § 284 and an award of its reasonable attorneys' fees and costs for the maintenance of this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, GrainPro prays that this Court enter judgment as follows:

- A. Judgment that Defendants and those in privity therewith have infringed U.S. Patent No. 9,032,697;
- B. Judgment that Defendants' infringement of U.S. Patent No. 9,032,697 was willful;
- C. Award GrainPro compensatory damages and prejudgment interest thereof for Defendants' acts of infringement of U.S. Patent No. 9,032,697;
- D. Award treble damages for willful infringement of U.S. Patent No. 9,032,697;
- E. Permanently enjoin Defendants from further infringement of U.S. Patent No. 9,032,697;
- F. Judgment that this is an exceptional case under 35 U.S.C. § 285 warranting an award of GrainPro's attorneys' fees; and
- G. Award GrainPro its costs, expenses and such other relief as are deemed just and equitable.

JURY DEMAND

GrainPro demands a trial by jury on all matters and issues triable by a jury.

Respectfully submitted

/s/ Stephanie R. Feingold
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